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APPLICATION NO. 03/01/0091	FILING DATE 03/25/99	FIRST NAMED INVENTOR KORNELAI	ATTORNEY DOCKET NO. TFF-30422
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IM31/0325

EXAMINER

JONES, K.

ART UNIT  
1752

PAPER NUMBER

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 17

Application Number: 08/817,391  
Filing Date: April 25, 1997  
Appellant(s): Kornfalt

Thomas P. Pavelko  
For Appellant

**EXAMINER'S ANSWER**

Mailed  
March 25, 1999  
TZ 1700

This is in response to appellant's brief on appeal filed 1-11-99.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected

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by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 3-4, 6-14 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

✓4,504,347	Munk et al.	3-1985
✓4,940,503	Lindgren et al.	7-1990

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A. The rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,594,347) is discontinued in order to reduce the issues before this honorable board.

In the previous Office Action for the prosecution of this application, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,504,347). However, in order to simplify the issues for consideration before this Honorable Board, the Examiner chooses to withdraw this rejection in order to focus attention on the rejection considered by the Examiner to be more truly pertinent to the instant invention.

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B. Claims 3-4, 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,504,347) in view of Lindgren et al. (U.S. 4,940,503).

Munk et al. disclose a method of hot pressing a synthetic-resin laminate onto a hot-pressed fiberboard intermediate body. The laminate includes thermosetting resin (normally of a melamine base) impregnated paper sheets, an under foil or first foil having a desired pattern and a covering sheet. The covering sheet is a clear overlay consisting of an unsubstituted alphacellulose paper (col 1 lines 54-56) and is provided as a protective layer of the under foil (col 1 lines 30-31). It is clear from Figures 1 and 2 that the invention encompasses fiberboard having rounded edges. Munk et al. do not explicitly disclose that the process is intended for the production of a floor strip; however, this is merely the intended use of the product. It is certainly well known to use laminated fiberboards for floor strips. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Munk et al. to produce floor strips since it is well known to use laminated fiberboards for floor strips.

Munk et al. do not explicitly disclose that the laminate has a dilation profile, transition profile, or finishing profile. However, as far as the Examiner can understand the Instant

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Invention, the profile taught by Munk et al. in Figures 1-4 is sufficiently similar to the profiles disclosed in the Instant Invention to suggest profiles having extended portions at the edge of the board.

Also Munk et al. do not disclose machining the board to produce the profiles. However, machining a pressed board to obtain a given profile is well known in the manufacturing art and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Munk et al.'s process by machining the pressed board to obtain a given profile (instead of using a special mold to obtain the profile) since the modified procedure eliminates the need for a mold having a special mold shape (molds having a special mold shape can be more expensive than flat molds).

Munk et al. further teach the use of sheets of glass fibers as an alternative to sheets of  $\alpha$ -cellulose as the overlay layer. However, Munk et al. do not disclose the protective covering sheet comprises hard particles including silica, alumina and having a particle size of 1-80  $\mu\text{m}$  (not required for claim 7 which was rejected over Munk et al. alone). However, Munk et al. do not explicitly disclose that the laminate has IP values of greater than 3,000 and particularly between 3,000 and 10,000.

Lindgren et al. teach forming a laminate thermosetting melamine impregnated paper sheets and a decor sheet having a

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desired pattern and a covering sheet. The covering sheet is formed of  $\alpha$ -cellulose impregnated with melamine-formaldehyde resin (col 3 lines 51-53) and particles of silica, alumina and/or silicon carbide (col 2 lines 57-58) of the size of 1-80  $\mu\text{m}$ , especially of 5-60  $\mu\text{m}$  (col 2 line 64). Lindgren et al. further teach forming a laminate having IP values of from 2,000 revolutions to up to 6,000 revolutions (Examples 3-6) and applying the covering sheet(s) by gluing and with heat and pressure (col 1 lines 25-31, col 2 lines 5-7, lines 21-25).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Munk et al.'s process by using an overlay sheet impregnated with melamine-formaldehyde resin and particles of silica, alumina and/or silicon carbide of the size of 1-80  $\mu\text{m}$ , especially of 5-60  $\mu\text{m}$  as taught by Lindgren et al. because such overlay sheet have been shown to be effective for forming a protective layer for an underlying decor sheet, and it would have been further obvious to one having ordinary skill in the art at the time of the invention to modify Munk et al.'s process by using an overlay sheet having IP values of from 2,000 revolutions to up to 6,000 revolutions as taught by Lindgren et al. because such overlay sheet have been shown to be effective for forming a protective layer for an underlying decor sheet.

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Although both Munk et al. and Lindgren et al. disclose impregnating the fibrous overlay layer, it is well known to apply overlay sheets that are not impregnated in order to more easily apply the sheets onto the base layer. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Munk et al. and Lindgren et al. by using unimpregnated overlay layers of glass fibers in order to gain the advantage of the properties that each layer imparts to the composite and for the ease of applying the sheets onto the base layer.

**(11) Response to Argument**

A. Applicants argue that Lundgren et al. "in no way contemplated the manufacture of flooring strips having a high abrasion resistance nor any profiled shape in which a laminate is postformed on a carrier both on the top thereof and on the long sides thereof as claimed (underlining added by Applicants).

It is submitted that the Examiner finds Applicants' statement to be quite mis-leading since the phrase "in no way contemplated" suggests Lundgren et al. do not teach any part of the limitations just enunciated by Applicants. Contrary to the Applicants' statement, Lundgren et al. teach (col 1 lines 10-37) (underlining added by Examiner):

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Decorative thermosetting laminates are well-known and used for instance as covering material for walls, cupboard doors, desktops tabletops, for other furniture and as flooring material.

Such laminates are often made of two to seven craft paper sheets impregnated with phenol-formaldehyde resin, a monochromatic or patterned decor paper sheet impregnated with melamine-formaldehyde resin and a fine so-called overlay sheet of .alpha.-cellulose impregnated with melamine - formaldehyde resin.

The overlay sheet is intended to protect the decor paper sheet from abrasion. In certain cases the overlay sheet is omitted.

There are also laminates consisting of a base layer of particle board or fibre board provided with such a decor paper sheet and possibly an overlay sheet. These sheets can be laminated towards the base layer under heat and pressure. If a decor paper sheet only is used and no overlay sheet, the decor paper sheet can be glued towards the base layer instead.

The laminates have many good properties. However, it has turned out that there is a great need of improving the abrasion resistance of the laminates exposed to an extreme abrasion. This is especially the case with laminates for floors but to a certain extent also laminates for desktops and tabletops.

Clearly, Lundgren et al. teach that their laminates are intended to be used for flooring applications.

B. Applicants argue that the Final Rejection is silent to the limitations of claim 8, i.e. that the carrier is a water-resistant carrier. It is submitted that the term "water-resistant carrier", i.e. in this case a particle board or fiber board, is so broad and plainly evident as to not require explicit comment in a rejection. However, since the rejection is now challenged, the Examiner submits that every particle board or

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fiber board is water resistant to some extent, and the instant claim 8 does not specify any amount of water resistance.

C. Applicants argue that neither of Munk et al. nor Lundgren et al. teach applying the sheets to the sides of the carrier and further argue that the Final Rejection does not address this point. It is submitted that the Examiner cited Munk et al., including the drawings therein (see Figures 3-4).

D. Applicants argue that laminates such as Munk et al. or Lundgren et al. would have the laminate surface facing upward, thereby preventing contact of fluids with an underlying substrate or carrier. It is submitted that the instant invention has the laminate surface facing upward.

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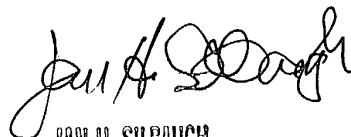
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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Kenneth M. Jones  
March 23, 1999



JAN W. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
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03/25/99

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